

RESOLUTION NO. ZR-2020- 018

RESOLUTION APPROVING ZONING APPLICATION ZV-2019-02196  
CONTROL NO. 1979-00202  
TYPE 2 VARIANCE (*STAND ALONE*)  
APPLICATION OF East Coast Mulch Corp  
BY Arc Development Global, LLC, AGENT  
(EAST COAST MULCH)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 Supplement 27, is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV-2019-02196 was presented to the Zoning Commission at a public hearing conducted on June 4, 2020;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV-2019-02196, the Application of East Coast Mulch Corp, by Arc Development Global, LLC, Agent, for a Type 2 Variance to eliminate a six-foot high concrete block and steel wall with a continuous footing in a landscape buffer where a use is proposed that is incompatible with an adjacent development or district; and, to eliminate a six-foot high opaque wall within a Type 3 Incompatibility Buffer, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 4, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and Variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Caliendo moved for the approval of the Resolution.

The motion was seconded by Commissioner Kern and, upon being put to a vote, the vote was as follows:

Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Yes
Amir Kanel	- Yes
John Kern	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Absent
Jess Sowards	- Yes

The Chair thereupon declared the resolution was duly passed and adopted on June 4, 2020.

This resolution is effective when filed with the Palm Beach County Zoning Division on June 23, 2020.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:

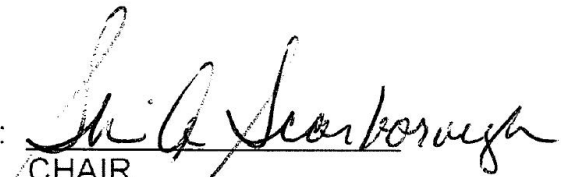
  
CHAIR

EXHIBIT A

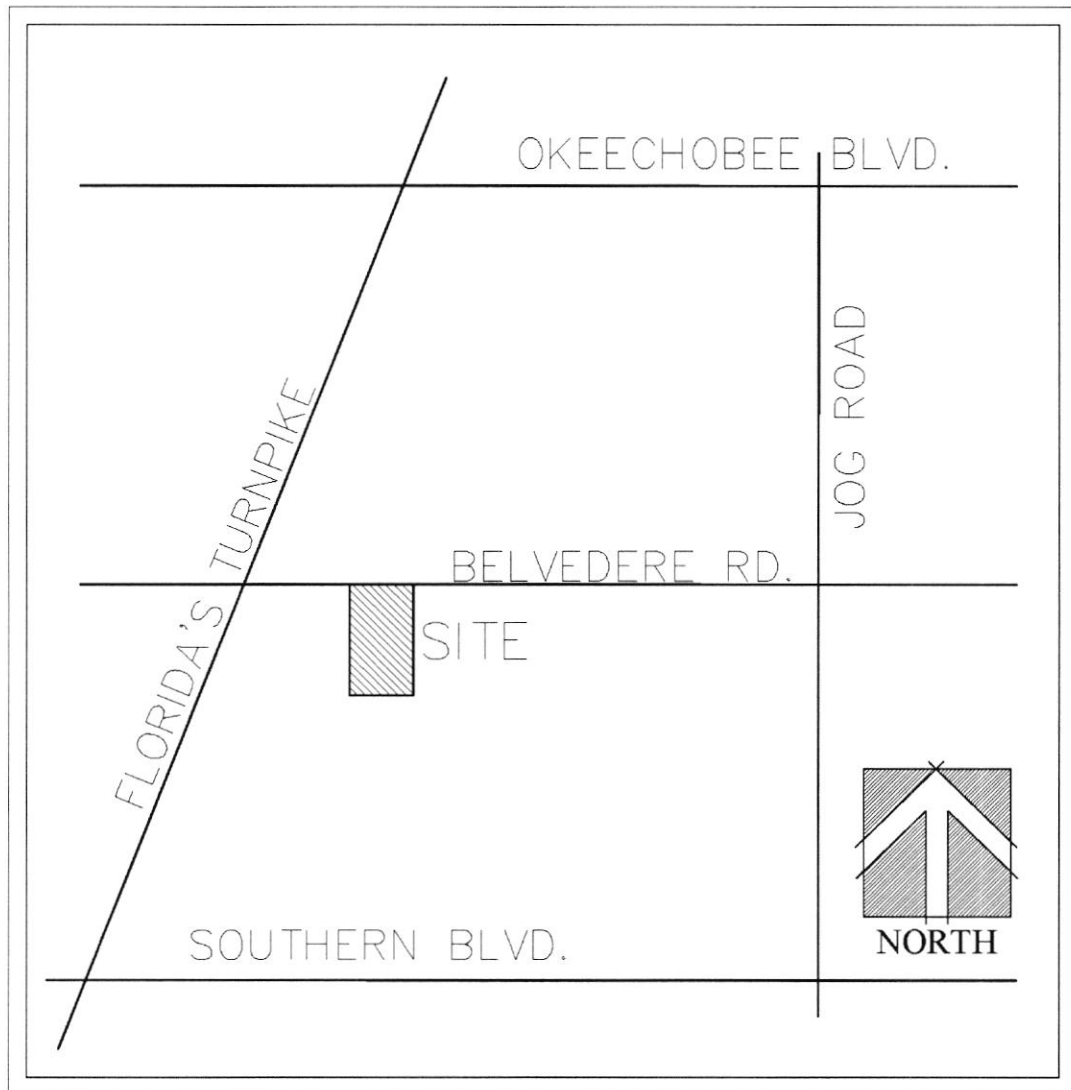
LEGAL DESCRIPTION

THE EAST HALF (E ½) OF TRACT 8, BLOCK 5, THE PALM BEACH FARMS COMPANY PLAT NO.3, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 45, LESS THE NORTH 26.40 FEET IN CHANCERY COURT CASE 407 RECORDED IN O.R.B.6495, PAGE 761.

CONTAINING 4.80 ACRES MORE OR LESS

EXHIBIT B  
VICINITY SKETCH

# LOCATION MAP



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Type 2 Variance - Standalone**

##### **VARIANCE**

1. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for DRO-2018-01530 (Control No. 1979-00202). The Property Owner shall secure a Building Permit or Certificate of Occupancy to vest this Variance. (ONGOING: MONITORING - Zoning)
2. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (CO: BUILDING DIVISION - Zoning)
3. This Variance is approved for a Wholesale Nursery with accessory Landscape Service. Any change to the use(s) shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)

##### **LANDSCAPE - PERIMETER-PERIMETER LANDSCAPING ALONG THE SOUTH, EAST, AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)**

1. In addition to Code requirements, landscaping along the south, east, and west property lines shall be upgraded to include:
  - a. one (1) palm or pine tree for each thirty (30) linear feet of property line. Palms or pines shall be clustered and located in areas of the buffer to screen the view of the building(s) and outdoor storage areas. The locations of the palms or pines shall be finalized on the Final Landscape Plan;
  - b. a minimum eight (8) foot high landscape barrier in lieu of a six (6) foot high hedge. The landscape barrier shall be comprised of Areca Palms or alternative species approved by the Landscape Section. The landscape barrier shall be installed at a height of eight (8) feet or twelve (12) feet if Areca palms are used;
  - c. the canopy trees to be installed within the landscape buffer shall be of a species that do not cause excessive leaves/debris to fall onto the adjacent residential properties. Species shall be reviewed and approved by the Landscape Section;
  - d. prior to the issuance of the first Certificate of Occupancy, a Final Landscape Plan shall be submitted to and approved by the Landscape Section indicating the elements required by this condition;
  - e. no easement overlap or width reduction shall be permitted; and,
  - f. credit may be given for existing or relocated vegetation, provided they meet current Unified Land Development Code requirements. (CO: ZONING - Zoning)

##### **SITE DESIGN**

1. Prior to the issuance of the Certificate of Occupancy, the Final Site Plan shall be amended to increase the rear [south] setback of the Accessory Landscape Services area and associated storage bins to a minimum 100 feet. (CO: ZONING - Zoning)

##### **COMPLIANCE**

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Zoning Commission for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
  - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit,

License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

#### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by the Development Permit.

EXHIBIT D  
REQUEST

TYPE 2 VARIANCE SUMMARY

V#	ULDC Article	Required	Proposed	Variance
V1	Art. 3.B.9.F.3.b, PBIAO Mandatory Landscape Barrier	A solid concrete block and steel (CBS) wall with a continuous footing, no less than six feet (ft.) in height.	20-ft. wide Incompatibility Buffer with 10 ft. planted and 10 ft. of nursery plant material. A minimum six-foot high opaque landscape barrier comprised of required trees, shrubs, and Nursery planting material for sale.	100 percent elimination of the required CBS wall.
V2	Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements	A six ft. high opaque wall in a Type 3 Incompatibility Buffer.	20-ft. wide Incompatibility Buffer with 10 ft. planted and 10 ft. of nursery plant material. A minimum six-foot high opaque landscape barrier comprised of required trees, shrubs, and Nursery planting material for sale.	100 percent elimination of the six ft. high opaque wall.